

STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:14-cv-00430-TSC**

JUDICIAL WATCH, INC. v. DEPARTMENT OF HEALTH
AND HUMAN SERVICES

Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 03/18/2014

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **Jason Blaine Aldrich**
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: jaldrich@judicialwatch.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

represented by **Benton Gregory Peterson**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2534
Fax: (202) 252-2599
Email: benton.peterson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Claire M. Whitaker
U.S. ATTORNEY'S OFFICE
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2526
Fax: (202) 252-2505
Email: claire.whitaker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fred Elmore Haynes
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2550
Email: fred.haynes@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/18/2014	<u>1</u>	COMPLAINT against DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 400 receipt number 0090-3654716) filed by JUDICIAL WATCH, INC..

		(Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons D.C. Attorney, # <u>3</u> Summons U.S. Attorney General, # <u>4</u> Summons Dept. of Health and Human Services)(Aldrich, Jason) (Entered: 03/18/2014)
03/18/2014	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Aldrich, Jason) (Entered: 03/18/2014)
03/18/2014		Case Assigned to Judge Ketanji Brown Jackson. (md,) (Entered: 03/18/2014)
03/19/2014	<u>3</u>	ELECTRONIC SUMMONS (3) ISSUED as to DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons 2nd, # <u>2</u> Summons 3rd, # <u>3</u> Notice of Consent, # <u>4</u> Consent Form)(md,) (Entered: 03/19/2014)
04/03/2014	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/26/2014. (Answer due for ALL FEDERAL DEFENDANTS by 4/25/2014.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/26/2014., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 3/25/2014 (Attachments: # <u>1</u> Declaration of C. Rotaru)(Aldrich, Jason) (Entered: 04/03/2014)
04/10/2014	<u>5</u>	NOTICE of Appearance by Claire M. Whitaker on behalf of DEPARTMENT OF HEALTH AND HUMAN SERVICES (Whitaker, Claire) (Entered: 04/10/2014)
04/25/2014	<u>6</u>	ANSWER to Complaint by DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Whitaker, Claire) (Entered: 04/25/2014)
04/30/2014		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall promptly confer and file a joint proposed schedule for briefing or disclosure by 5/14/2014. Signed by Judge Ketanji Brown Jackson on 4/30/2014. (lckbj1) (Entered: 04/30/2014)
05/14/2014	<u>7</u>	Consent MOTION for Extension of Time to <i>for the parties to agree on a proposed production date in the Freedom of Information Act case to 6/13/14</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 05/14/2014)
05/15/2014		MINUTE ORDER granting, for good cause shown, <u>7</u> Motion for Extension of Time for Parties to Agree on Proposed Production Date. It is hereby ORDERED that the deadline for the parties to file a joint proposed schedule for briefing or disclosure is extended to 6/13/2014. Signed by Judge Ketanji Brown Jackson on 05/15/2014. (lckbj1) (Entered: 05/15/2014)
06/13/2014	<u>8</u>	Consent MOTION for Extension of Time to <i>jointly propose a production schedule in this FOIA case (to 7/3/14)</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 06/13/2014)
06/17/2014		MINUTE ORDER granting, for good cause shown, <u>8</u> Consent Motion to Extend. It is hereby ORDERED that the deadline for the parties to file a joint proposed schedule for briefing or disclosure is extended to 7/3/2014. Signed by Judge Ketanji Brown Jackson on 6/17/2014. (lckbj1) (Entered: 06/17/2014)
06/19/2014		Case reassigned to Judge Tanya S. Chutkan. Judge Ketanji Brown Jackson no longer assigned to the case. (ztnr,) (Entered: 06/19/2014)
07/02/2014	<u>9</u>	Consent MOTION for Extension of Time to <i>August 6, 2014, to file an agreed upon production schedule in this FOIA case</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 07/02/2014)
07/07/2014		MINUTE ORDER: GRANTING <u>9</u> Consent Motion to extend deadline for a jointly proposed briefing or disclosure schedule. The parties' proposed briefing or disclosure schedule shall be filed not later than August 6, 2014 ; Set/Reset Deadlines: Joint schedule due by 8/6/2014. Signed by Judge Ketanji Brown Jackson on 7/7/14. (lctsc1) (Entered: 07/07/2014)

08/05/2014	<u>10</u>	Consent MOTION for Extension of Time to <i>file a joint status report</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 08/05/2014)
08/07/2014		MINUTE ORDER: Granting <u>10</u> Consent MOTION for Extension of Time to file a joint status report. The parties' proposed briefing or disclosure schedule shall be filed not later than October 16, 2014; Set/Reset Deadlines: Joint schedule due 10/16/2014.Signed by Judge Tanya S. Chutkan on 8/7/14. (lctsc1) (Entered: 08/07/2014)
10/16/2014	<u>11</u>	Consent MOTION for Extension of Time to <i>(file another Joint Status Report in this FOIA case to 12/16/14)</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 10/16/2014)
10/20/2014		MINUTE ORDER: Granting <u>11</u> Consent Motion for Extension of Time. The parties shall file a proposed production schedule or joint status report not later than December 16, 2014. Signed by Judge Tanya S. Chutkan on 10/20/14. (DJS) (Entered: 10/20/2014)
10/21/2014		Set/Reset Deadlines: Status Report or proposed production schedule due by 12/16/2014 (zsm) (Entered: 10/21/2014)
12/16/2014	<u>12</u>	STATUS REPORT <i>and Joint Motion to Stay</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 12/16/2014)
12/16/2014	<u>13</u>	Joint MOTION to Stay re <u>12</u> Status Report <i>(until May 15, 2015)</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Whitaker, Claire) (Entered: 12/16/2014)
12/17/2014		MINUTE ORDER: Granting <u>13</u> Joint Motion to Stay. This action is hereby STAYED until further order of the Court. The parties shall file a joint status report and proposed order for proceeding with this action not later than 5/15/15. Signed by Judge Tanya S. Chutkan on 12/17/14. (DJS) (Entered: 12/17/2014)
12/17/2014		MINUTE ORDER: Consistent with the agreement of the parties <u>12</u> , during the stay of this action, HHS shall continue to process and release nonexempt, responsive records in this Freedom of Information Act case. Signed by Judge Tanya S. Chutkan on 12/17/14. (DJS) (Entered: 12/17/2014)
12/17/2014		Set/Reset Deadlines: Status Report due by 5/15/2015. (sm) (Entered: 12/17/2014)
05/15/2015	<u>14</u>	STATUS REPORT <i>and Motion to Stay</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 05/15/2015)
05/15/2015	<u>15</u>	Joint MOTION to Stay re <u>14</u> Status Report by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 05/15/2015)
05/19/2015		MINUTE ORDER: Granting <u>15</u> Joint Motion to Stay. The STAY in this action shall remain in place until July 27, 2014 at which time the parties shall file a joint status report and proposed order for proceeding with this action. Signed by Judge Tanya S. Chutkan on 5/19/15. (DJS) (Entered: 05/19/2015)
05/19/2015		Set/Reset Deadlines: Status Report due by 7/27/2015. (zsm) (Entered: 05/19/2015)
07/27/2015	<u>16</u>	Consent MOTION for Extension of Time to <i>file Joint Status Report</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 07/27/2015)
07/28/2015		MINUTE ORDER: Granting <u>16</u> Motion for Extension of Time. Not later than 4:00 p.m. on August 10, 2015 the parties shall file a Joint Status Report containing a production schedule for the remaining records subject to Plaintiff's FOIA request. A status conference will be held at 10:15 a.m. on Tuesday, August 11, 2015. Counsel from the Department of Health and Human Services or another Department employee with personal knowledge of the search and review process shall appear at the conference. Signed by Judge Tanya S. Chutkan on 7/28/15. (lctsc3) Modified on 7/29/2015 (DJS). (Entered: 07/28/2015)

07/28/2015		Set/Reset Deadlines/Hearings: Status Report due by 8/10/2015. Status Conference set for 8/11/2015 at 10:15 AM in Courtroom 2 before Judge Tanya S. Chutkan. (zsm) (Entered: 07/28/2015)
08/10/2015	<u>17</u>	STATUS REPORT (<i>Joint</i>) by DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Whitaker, Claire) (Entered: 08/10/2015)
08/11/2015		Minute Entry for proceedings held before Judge Tanya S. Chutkan: Status Conference held on 8/11/2015. Order to issue. (Court Reporter Bryan Wayne.) (zsm) (Entered: 08/11/2015)
08/11/2015		MINUTE ORDER: Defendant shall process 1,000 pages of records on a bimonthly basis and shall release all nonexempt records to Plaintiff upon completion of each batch of records. Defendant's first production shall be made on or before October 1, 2015. Within 48 hours of each production, Defendant shall file a notice with the court confirming it has made a production to the Plaintiff representing the nonexempt records from a batch of at least 1,000 pages of records. Each notice shall indicate how many pages of records remain to be processed; the notice accompanying the final production shall indicate that all processing has been completed. 14 days after the final notice is filed, the parties shall file a joint status report proposing a schedule for moving forward with this matter. Signed by Judge Tanya S. Chutkan on 8/11/15. (lctsc3) (Entered: 08/11/2015)
10/02/2015	<u>18</u>	NOTICE of Filing of Certification by CMS FOIA Officer by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit Certification)(Whitaker, Claire) (Entered: 10/02/2015)
12/03/2015	<u>19</u>	NOTICE of Filing Certification by DEPARTMENT OF HEALTH AND HUMAN SERVICES re Order,,, (Attachments: # <u>1</u> Certification)(Whitaker, Claire) (Entered: 12/03/2015)
02/02/2016	<u>20</u>	NOTICE of Filing of Certification by CMS FOIA Officer by DEPARTMENT OF HEALTH AND HUMAN SERVICES re Order,,, (Attachments: # <u>1</u> Certification)(Whitaker, Claire) (Entered: 02/02/2016)
04/01/2016	<u>21</u>	NOTICE of Filing of Certification by DEPARTMENT OF HEALTH AND HUMAN SERVICES re Order,,, (Attachments: # <u>1</u> Certification)(Whitaker, Claire) (Entered: 04/01/2016)
06/02/2016	<u>22</u>	NOTICE of Filing of Certification by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Certification)(Whitaker, Claire) (Entered: 06/02/2016)
08/02/2016	<u>23</u>	NOTICE of Filing of Certification by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Certification)(Whitaker, Claire) (Entered: 08/02/2016)
10/03/2016	<u>24</u>	NOTICE of Filing of Certification in this FOIA case by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit Certification)(Whitaker, Claire) (Entered: 10/03/2016)
11/30/2016	<u>25</u>	NOTICE of Filing of Certification in this FOIA case by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Certification)(Whitaker, Claire) (Entered: 11/30/2016)
02/01/2017	<u>26</u>	NOTICE of Filing Certification by DEPARTMENT OF HEALTH AND HUMAN SERVICES re Order,,, (Attachments: # <u>1</u> Certification)(Whitaker, Claire) (Entered: 02/01/2017)
04/03/2017	<u>27</u>	NOTICE of Filing of Certification by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> (Certification))(Whitaker, Claire) (Entered: 04/03/2017)
06/01/2017	<u>28</u>	NOTICE of Filing of Certification 6/1/17 by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Certification)(Whitaker, Claire) (Entered: 06/01/2017)
08/02/2017	<u>29</u>	NOTICE of Filing of Certification by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Certification)(Whitaker, Claire) (Entered: 08/02/2017)
10/02/2017	<u>30</u>	NOTICE of Filing of Certification by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Certification)(Whitaker, Claire) (Entered: 10/02/2017)

12/01/2017	<u>31</u>	NOTICE (<i>Notice of Filing of Certification</i>) by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> (Certification))(Whitaker, Claire) (Entered: 12/01/2017)
02/02/2018	<u>32</u>	NOTICE <i>of filing of Certification</i> , 2/2/18 by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Certification dated February 2, 2018)(Whitaker, Claire) (Entered: 02/02/2018)
04/02/2018	<u>33</u>	NOTICE <i>of filing of Certification</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit)(Whitaker, Claire) (Entered: 04/02/2018)
06/01/2018	<u>34</u>	NOTICE <i>of Filing of Certification</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit Certification)(Haynes, Fred) (Entered: 06/01/2018)
08/02/2018	<u>35</u>	NOTICE <i>of Filing of bimonthly certification</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Certification by Hugh Gilmore)(Whitaker, Claire) (Entered: 08/02/2018)
08/07/2018	<u>36</u>	NOTICE of Appearance by Benton Gregory Peterson on behalf of All Defendants (Peterson, Benton) (Entered: 08/07/2018)
10/02/2018	<u>37</u>	NOTICE <i>of filing certification</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES re Order,,, (Attachments: # <u>1</u> Exhibit)(Peterson, Benton) (Entered: 10/02/2018)
12/04/2018	<u>38</u>	NOTICE <i>of Filing</i> by DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit)(Peterson, Benton) (Entered: 12/04/2018)